

Freeney Anita

DC-14-05242
CAUSE NO. _____

**CHELSEY L. COOPER and
CHRISTOPHER T. COOPER, Individually
and as Representatives of the Estate of
LANORIS L. COOPER, Deceased,**

Plaintiffs,

v.

**GREEN TREE SERVICING, LLC; and
U.S. BANK NATIONAL ASSOCIATION, as
Trustee in Trust for the Benefit of the Holder of
Servitis Funds I Trust 2009-2 Certificates,
Series 2009-2,**

Defendants.

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

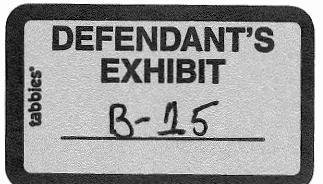
Plaintiffs, Chelsey Cooper and Christopher Cooper, individually and on behalf of the Estate of Lanoris Cooper, by and through their undersigned attorneys, for their cause of action against Defendants, would show the Court the following:

I.

1.1 Discovery in this case should be conducted under Level II pursuant to Rule 190.3 of the TEXAS RULES OF CIVIL PROCEDURE.

II.

2.1 Plaintiffs are residents of Dallas, Dallas County, Texas. Green Tree Servicing, LLC may be served with citation through its registered agent, C T Corporation System, 1999 Bryan Street,



Suite 900, Dallas, Texas 75201. Defendant U.S. Bank National Association may be served with citation by serving its registered agent C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

2.2 Venue is proper in this Court because the events which give rise to this lawsuit occurred in Dallas County. The property which is partly the subject of this lawsuit is located within Dallas County, and Plaintiffs reside here.

2.3 Plaintiffs request that the Clerk serve citation on Defendants by certified mail.

III.

3.1 Plaintiffs are the children of Lanoris Cooper, deceased. Mrs. Cooper died on November 13, 2009. Subsequent to her death, Defendants caused a lawsuit to be filed against her bearing Cause No. DC-09-16100-I; *In Re: Order for Foreclosure Concerning Lanoris Cooper and 1216 Sunny Glen Drive, Dallas, TX 75232*; In the 162nd Judicial District of Dallas County, Texas. The Certificates of Service in that lawsuit that Lanoris Cooper was served notice of the foreclosure action on two occasions, December 3, 2009 and March 4, 2010, both of which obviously were after her death. Mrs. Cooper was never served. Her estate was never served. Her children were never served.

3.2 The Court entered its Order for Foreclosure on May 18, 2010, but said Order is void on due process grounds because neither Lanoris Cooper nor her heirs were ever properly served.

IV.

4.1 Plaintiffs have filed their Petition for Bill of Review seeking to set aside the Order for Foreclosure of May 18, 2010.

4.2 Plaintiffs bring this lawsuit for damages resulting to them from the loss of their mother's property, taken wrongfully by Defendants as a result of their wrongful foreclosure. Upon

information and belief, the property has been sold, and Plaintiffs have therefore been deprived of their property because Defendants have appropriated it.

V.

5.1 Defendants and each of them have violated the Texas Theft Liability Act (TEX. CIV. PRAC. & REM. CODE CHAPTER 134) in that they have unlawfully appropriated property belonging to Plaintiffs through their mother. They are her direct and only heirs.

5.2 As a direct and proximate result of the wrongful acts, wrongful foreclosure and theft of property as set forth above, Plaintiffs have been damaged. In addition to their actual damages, the value of their mother's house, they are also entitled to additional damages as provided in Texas Civil Practice and Remedies Code Section 134.005(a)(1), and to their reasonable and necessary attorney's fees incurred herein.

5.3 The acts of Defendants were fraudulent and grossly negligent, thus entitling Plaintiffs to exemplary damages to punish Defendants and deter other lenders from similar conduct.

VI.

6.1 The amount of damages sought herein is between Two Hundred Thousand and 00/100 Dollars (\$200,000.00) and One Million and 00/100 Dollars (\$1,000,000.00).

WHEREFORE, Plaintiffs pray that they have and recover judgment against Defendants, and each of them, for their actual damages; for additional damages; for exemplary damages; together with costs of suit incurred herein and their reasonable and necessary attorney's fees; for pre-and post-judgment interest as provided by law; and for such other and further relief as Plaintiffs may show themselves to be justly entitled.

Respectfully submitted,

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May 16, 2014

Mr. Gary Fitzsimmons
Dallas County District Clerk
600 Commerce Street, Suite 103
Dallas, Texas 75201

Re: Chelsey Cooper and Christopher T. Cooper, Individually and as Representatives of the Estate of Lanoris Cooper, deceased v. Green Tree Servicing, LLC and U.S. Bank National Association

Dear Mr. Fitzsimmons:

In connection with the above-referenced matter, enclosed for e-filing please find Plaintiffs' Original Petition.

I am also enclosing payment in the amount of \$277.00 for the filing fee.

Thank you for your assistance in this matter.

Sincerely,

Doug Perrin

DP/lh
enclosure

cc: Ms. Chelsey Cooper (w/enclosure)
Mr. Christopher Cooper (w/enclosure)